

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

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PCT

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/011434

International filing date (day/month/year)
08.10.2004

Priority date (day/month/year)
10.10.2003

International Patent Classification (IPC) or both national classification and IPC
E05F1/12, E05D5/06, E05F15/12

Applicant
AGOSTINO FERRARI S.P.A.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office - P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040 Tx: 31 651 epo nl
Fax: +31 70 340 - 3016

Authorized Officer

Witasse-Moreau, C

Telephone No. +31 70 340-4370



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WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/011434

AP20 Rec'd PCT/PTO 10 APR 2006

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Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/011434

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Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	5,13-15,17-22,26-32,36
	No: Claims	1-4,6-12,16,23-25,33-35, 37-40
Inventive step (IS)	Yes: Claims	5,26-32
	No: Claims	1-4, 6-25, 33-40
Industrial applicability (IA)	Yes: Claims	1-40
	No: Claims	

2. Citations and explanations

see separate sheet

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/EP2004/011434

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Re Item V.

- 1 Reference is made to the following documents:

D1 : CH 364 711 A (ERNST LUST KG) 30 September 1962,
D2 : DE 12 43 561 B (FA. CARL SIEVERS) 29 June 1967,
D3 : US 2 912 237 A (SNYDER HAROLD M) 10 November 1959,
D4 : US 2 805 442 A (RAGSDALE LA VERNE B) 10 September 1957,
D5 : US-A-4 365 893 (KIMURA ET AL) 28 December 1982.

- 2 INDEPENDENT CLAIM 1

- 2.1 The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses indeed all the features of claim 1, i.e. (see figure 2; the references in parentheses applying to this document):

a hinge assembly for the articulated connection of a vertically opening panel (3) to a furniture element (4) between a closing position and an opening position in which the panel (3) is at least partially lifted with respect to the hinge assembly and to the furniture element (4), comprising:

- a supporting base (18); - a lifting lever (15) operatively connected to the panel (3) and hinged to the supporting base (18) about a pivoting axis (16) between said closing and opening positions of the panel (3); - a balancing device (23) acting on the lifting lever (15, 17) to at least partially counterbalance the weight of the panel (3) during rotation of the lever (15) about said pivoting axis (16);

wherein in the mounting position of the hinge assembly the pivoting axis (16) of the lifting lever (15) and said balancing device (23) are positioned above an upper surface (4) of the furniture element.

- 2.2 It is to be noticed that D2, D3 and D4 describe also all the features of claim 1.

Even though D2 discloses a hinge for a horizontal panel, it is suitable to be use for the articulated connection of a vertically opening panel (6) to a furniture element (4). Thus D2 shows a supporting base (1), lifting lever (2) and balancing device

(13), positioned above the upper surface of the furniture if mounted with a vertically opening panel (see figures 3-4).

D3 discloses a supporting base, a lifting lever (66) and a balancing device (42), positioned above the upper surface of the furniture (see figure 2).

Also D4 is suitable for the articulated connection of a vertically opening panel with a supporting base (16), a lifting lever (15) and a balancing device (25).

3 DEPENDENT CLAIMS 2-4, 6-25, 33-40

Dependent claims 2-4, 6-25, 33-40 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT) because these features are already known from the documents cited in the search report while used for the same purpose or are merely a matter of normal design procedure.

See for instance :

- D1, figure 2, the connecting arm integrally formed with the lifting lever [claims 2-4, 6-7], the spring group (19, 20, 23) [claims 8-12, 37-40];
- D2, the adjustment device of the spring [claims 13-16, 23-24];
- D5, the adjustment device of the spring [claims 13-15, 17], the housing space of the lifting lever and the cam/roller arrangement (having the roller on the lifting lever or on the supporting base are merely the two straightforward possibilities from which the skilled person would select, in accordance with circumstances, without the exercise of inventive skill) [claims 18-22], column 1, paragraph 5, the friction device [claim 36];
- D4, figure 5, the angular adjustment means [claims 25, 33, 34];
- D3, motor (42) [claim 35].

4 DEPENDENT CLAIMS 5 AND 26-32

The combinations of the features of dependent claim 5 or 26-32 are neither known from, nor rendered obvious by, the available prior art.